

§ 35.4060

40 CFR Ch. I (7–1–07 Edition)

(2) Determine, based on evidence in the form of documentation provided by your group, that:

(i) Your group needs a waiver because providing the match would be a financial hardship to your group (for example, your local economy is depressed and coming up with in-kind contributions would be difficult); and

(ii) The waiver is necessary to help your community participate in selecting a remedial action at the site.

(b) If your group receives a waiver of the matching funds after your initial award, your grant agreement must be amended.

HOW MUCH MONEY TAGS PROVIDE

§ 35.4060 How much money can my group receive through a TAG?

The following table shows how much money your group can receive through a TAG:

If your group is . . .	Then your initial award will . . .
(a) the first recipient of a TAG at a site or a subsequent recipient at a site where the initial recipient spent the entire award amount.	not exceed \$50,000 per site.
(b) a subsequent recipient at a site with remaining funds from an initial \$50,000 award.	be the unspent amount remaining from an initial from the initial award (for example, if the Agency awarded the first recipient \$50,000 but that recipient only spent \$27,000, then your group's initial award would be \$23,000).

§ 35.4065 How can my group get more than \$50,000?

(a) The EPA regional office award official for your grant may waive your group's \$50,000 limit if your group demonstrates that:

(1) If it received previous TAG funds, you managed those funds effectively; and

(2) Site(s) characteristics indicate additional funds are necessary due to the nature or volume of site-related information. In this case, three of the ten factors below must occur:

(i) A Remedial Investigation/Feasibility Study ("RI/FS") costing more than \$2 million is performed;

(ii) Treatability studies or evaluation of new and innovative technologies are required as specified in the Record of Decision;

(iii) EPA reopens the Record of Decision;

(iv) The site public health assessment (or related activities) indicates the need for further health investigations and/or health promotion activities;

(v) EPA designates one or more additional operable units after awarding the TAG;

(vi) The agency leading the cleanup issues an "Explanation of Significant Differences" (ESD);

(vii) A legislative or regulatory change results in new site information after EPA awards the TAG;

(viii) EPA expects a cleanup lasting more than eight years from the beginning of the RI/FS through construction completion;

(ix) Significant public concern exists, where large groups of people in the community require many meetings, copies, etc.; and

(x) Any other factor that, in EPA's judgment, indicates that the site is unusually complex.

(b) Your group can also receive more than \$50,000 if you are geographically close to more than one eligible site (for example, two or more sites × \$50,000 = grant of \$100,000) and your group wishes to receive funding for technical assistance to address multiple eligible sites.